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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,691	12/18/2003	Kory W. Longhurst	2316-5557.1US	1070
24247	7590	01/23/2006		
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER KRAUSE, JUSTIN MITCHELL	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/740,691

Applicant(s)

LONGHURST, KORY W.

Examiner

Justin Krause

Art Unit

3682

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on December 7, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of the linear bearing assembly in the reply filed on December 7, 2005 is acknowledged. The traversal is on the ground(s) that the method of claims 9-12 does not require use of a guide rail. Examiner acknowledges this, however the inventions remain distinct. The method outlined in claim 9 requires advancing at least one adjustment element carried by the bearing slide to contact a rear face of the at least one bearing pad, which is not required by the device of claim 1.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, drawn to a linear bearing assembly, classified in class 384, subclass 42.
  - II. Claims 9-17, drawn to methods of adjusting bearing pads, classified in class 29, subclass 898.03.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the bearing can be used without advancing at least one adjustment element carried by the bearing slide

to contact a rear face of the at least one bearing pad or be adjusted by a method not involving a guide rail.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Election of Group I, drawn to the linear bearing assembly of claims 1-8 is acknowledged, claims 1-8 are currently pending, claims 9-17 are withdrawn from consideration.

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjustment element comprising a spring plunger must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings

for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims repeatedly refer to multiple elements by "one of the plurality". It is unclear which elements reference is being made to in each instance.

In Claim 3, "the plurality of the bearing slide" is unclear. Claim 1 recites a single bearing slide. The meaning is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 5, 6 and 8 as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Hunter (US Patent 4,738,299).

Hunter discloses a linear bearing assembly comprising:

- A bearing slide (11) comprising a plurality of walls defining a cavity (1)
- A plurality of bearing pads (21), wherein each bearing pad is secured to a respective wall of the plurality with at least one retention member (17)
- At least one adjustment element (15) carried by the bearing slide in cooperation with at least one bearing pad (21) of the plurality for adjusting a position of the at least one bearing pad relative to the respective wall (19) of the plurality to which the at least one bearing pad is secured.

Regarding claim 2, the at least one adjustment element comprises a set screw (17) received in a threaded aperture (18) extending through the respective wall of the plurality to which the at least one bearing pad is secured.

Regarding claim 5, at least one bearing pad (21) includes a backing plate (16) bonded to a rear face thereof. (Col 2, Line 46)

Regarding claim 6, the at least one adjustment element comprises a set screw (17) received in a threaded aperture (18) extending through the respective wall of the plurality to which the at least one bearing pad is secured.

Regarding claim 8, the at least one adjusting element comprises a biasing element (17).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Wood (US Patent 5,429,438).

Hunter discloses all of the claimed subject matter as described above.

Hunter does not disclose the at least one retention member comprising at least one bolt extending through the plurality of the bearing slide and into engagement with threaded bores in the at least one bearing pad.

Wood teaches the at least one retention member (20) comprising at least one bolt extending through the plurality of the bearing slide and into engagement with threaded bores (29) in the at least one bearing pad (28) to releasably attach the bearing pads to the bearing slide (24). (Col 5, lines 19-25)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Hunter and add threaded bores to the bearing pads to engage the retention members as a means of releasably attaching the bearing pads to the bearing slide.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter as modified by Wood, in view of Higgins (US Patent 4,729,705).

Hunter as modified by Wood discloses all of the claimed subject matter as described above, including threaded bores in at least one bearing pad.

Hunter as modified by Wood does not disclose the threaded bores in the at least one bearing pad to be located in tee-nuts embedded in the at least one bearing pad.

Higgins teaches use of a threaded insert that is a Tee-nut (10, Fig 3) in a substrate (34) enabling a stronger fastener installation (Col 2, line 65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Hunter and Wood and use a tee-nut as taught by Higgins in the bearing pad rather than thread the soft bearing pad material as a way to enable a stronger fastener installation.

Claim 7, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Thorstens et al (US Patent 6,179,468).

Hunter discloses all of the claimed subject matter as described above.

Hunter does not disclose the at least one adjusting element comprising a spring plunger.

Thorstens teaches a threaded spring plunger (64, see Fig 3, spring 66, plunger 62) for the purpose of adjusting the position of the spring plunger and setting it to maintain a constant running clearance or frictional drag. (Col 5, lines 7-15)



It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Hunter and use a threaded spring plunger as taught by Thorstens in order to adjust the position of the spring plunger and set it to maintain a constant running clearance or frictional drag.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,938,340 discloses an adjustable linear bearing with removable inserts

3,537,762 discloses an adjustable linear bearing

3,178,240 discloses a linear bearing with removable wear pads

2,342,946 discloses a linear bearing with adjustable pads

3,877,341 discloses a threaded metallic fastener insert.

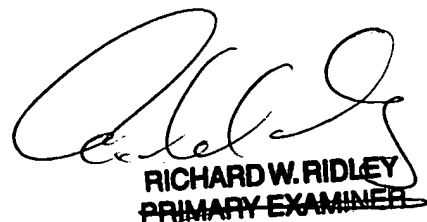
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMK  
11/9/06



**RICHARD W. RIDLEY**  
**PRIMARY EXAMINER**

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